

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JORGE CASANOVA,

Petitioner,

v.

No. CIV 07-1198 JB/KBM

CHEL HECHTER, New Mexico
Corrections Department,
Probation and Parole Division, et al.,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

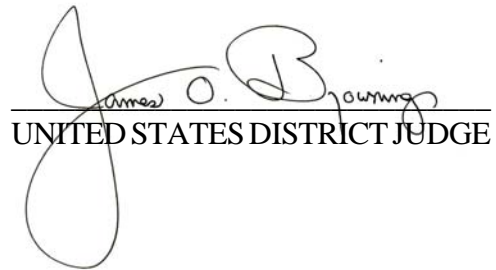
THIS MATTER comes before the Court on: (i) the Magistrate Judge's Proposed Findings and Recommended Disposition, filed February 25, 2008 (Doc. 9); and (ii) the Petitioner's Appellate Review of the Proposed Findings and Recommended Disposition, filed March 11, 2008 (Doc. 13). After a careful review of the Honorable Karen Ballard Molzen, United States Magistrate Judge's proposed work, and Petitioner Jorge Casanova's objections the Court finds the objections do not have merit and that the Court agrees with Judge Molzen's analysis. The Court will therefore overrule Casanova's objections and adopt the Proposed Findings and Recommended Disposition.

Petitioner Jorge Casanova has been released from the custody of the Immigration and Customs Enforcement Agency in El Paso, Texas, and now resides in a halfway house in Albuquerque. His release does not moot this habeas action, however. As was his status at the time of filing, Casanova presently continues under New Mexico parole supervision. See, e.g., Maleng v. Cook, 490 U.S. 488, 491 (1989); <http://www.corrections.state.nm.us/offenders/search.php>.

The Magistrate Judge filed her Proposed Findings and Recommended Disposition on

February 25, 2008, and Casanova filed timely objections after receiving an extension to do so. See Docs. 9-13. His objections and attached supplement consist of forty-eight pages of additional information that he maintains demonstrate his innocence. See Doc. 13 & Supplement. As the Magistrate Judge discussed, however, this argument goes to the credibility of witnesses or weight of the evidence, which is not reviewable in federal habeas. I further conclude that the information provided with the objections neither renders the state decision “unreasonable,” nor would have produced a different result at trial.

IT IS ORDERED that: (i) the Magistrate Judge’s Proposed Findings and Recommended Disposition (Doc. 9) is adopted; (ii) the § 2254 petition is dismissed with prejudice; and (iii) a final order be entered concurrently herewith.



UNITED STATES DISTRICT JUDGE